
Introduced by Senator Corbett

February 16, 2011

An act to amend Section 212 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 459, as introduced, Corbett. Employment: payment of wages.

Existing law prohibits a person or his or her agent or officer from issuing in payment of wages due (1) an acknowledgment of indebtedness unless it is negotiable and payable in cash at an established place of business in the state with a specified name and address and at the time of issuance and for at least 30 days thereafter and (2) a thing redeemable in merchandise or otherwise than in money.

This bill would make nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 212 of the Labor Code is amended to
2 read:
3 212. (a) ~~No~~A person, or agent or officer thereof, shall *not*
4 issue in payment of wages due, or to become due, or as an advance
5 on wages to be earned:
6 (1) ~~Any~~An order, check, draft, note, memorandum, or other
7 acknowledgment of indebtedness, unless it is negotiable and
8 payable in cash, on demand, without discount, at some established
9 place of business in the state, the name and address of which must
10 appear on the instrument, and at the time of its issuance and for a

1 reasonable time thereafter, which must be at least 30 days, the
2 maker or drawer has sufficient funds in, or credit, arrangement, or
3 understanding with the drawee for its payment.

4 (2) ~~Any~~ A scrip, coupon, ~~cards~~ card, or other thing redeemable,
5 in merchandise or purporting to be payable or redeemable otherwise
6 than in money.

7 (b) Where an instrument mentioned in subdivision (a) is
8 protested or dishonored, the notice or memorandum of protest or
9 dishonor is admissible as proof of presentation, nonpayment, and
10 protest and is presumptive evidence of knowledge of insufficiency
11 of funds or credit with the drawee.

12 (c) Notwithstanding paragraph (1) of subdivision (a), if the
13 drawee is a bank, the bank's address need not appear on the
14 instrument and, in that case, the instrument shall be negotiable and
15 payable in cash, on demand, without discount, at ~~any~~ a place of
16 business of the drawee chosen by the person entitled to enforce
17 the instrument.